

Application No.: 10/799,761
Amendment and Response dated February 28, 2007
Reply to Office Action of December 4, 2006
Docket No.: LC-491 US
(500-180)

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Remarks/Arguments:

Introduction

Claims 1-18 and 21-25 are pending. Claim 1 has been amended to further describe the alkylsilyl capped plasticizer. Support for the amendment may be found in originally filed claims 4-6 and 16. Claim 14 has been amended to describe the alkylsilyl capped polymeric plasticizer as being a trialkylsilyl capped polymeric plasticizer. Support for the amendment may be found in the specification at paragraph [0008], lines 3-4. Claim 18 has been amended to include the limitations of claims 19 and 20. Claims 19 and 20 have been canceled. No new matter is introduced with these claim amendments.

Section 112 Rejections

Claims 1-18 and 21-25 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the examiner alleges that the term "substituted" renders the claims indefinite. Applicant respectfully traverses.

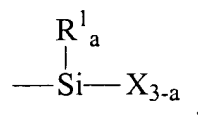
In chemical practice, the use of the term "substituted" does not render a claim indefinite as the term is well known to one of ordinary skill in the art.¹ Just because the scope of a claim may be broadened by the use of a well-known term, such broadening does not render the claim indefinite. Therefore, reconsideration and withdrawal of the section 112 rejections are respectfully requested.

¹ Substitution. The replacement of one element or radical by another....Chlorination of benzene to produce chlorobenzene is a typical example; in this case a chlorine atom replaces a hydrogen atom in the benzene molecule. HAWLEY'S CONDENSED CHEMICAL DICTIONARY 1056 (13th ed. 1997)

Section 102 Rejections

Claims 1-11, 14 and 15 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Japanese Application Publication JP 4-57850 A to Fujiki et al. (hereinafter "Fujiki"). Applicant respectfully traverses.

Component B of Fujiki requires at least one X group at one its terminal positions, as follows:



where a is an integer of 0 to 2 and X is a hydrolysable group, i.e., alkoxy, amino, amide or aminoxy group.

In contrast, the plasticizer as set forth in independent claims 1 and 14 is a trialkylsilyl capped plasticizer. Further, in direct contrast to Component B of Fujiki, the plasticizer of independent claim 1 is capped on both ends by trialkylsilyl.

Therefore, Fujiki fails to anticipate independent claims 1 and 14. Thus, reconsideration and withdrawal of the rejections of independent claims 1 and 14, and all claims dependent therefrom, under 35 U.S.C. §102(b) are respectfully requested.

Claims 1-17 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Japanese Application Publication JP 62-39646 A to Iwahara et al. (hereinafter "Iwahara"). Applicant respectfully traverses.

Component B of Iwahara must include at least two hydroxyl or hydrolyzable groups. (Iwahara, page 16, 1st full paragraph). In contrast, the plasticizer as set forth in independent claims 1, 14 and 17 is a trialkylsilyl capped plasticizer. Further, such a claimed trialkylsilyl

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capped plasticizer is not disclosed throughout the numerous examples of Component B provided by Iwahara at pages 16-21.

Therefore, Iwahara fails to anticipate independent claims 1, 14 and 17. Thus, reconsideration and withdrawal of the rejections of independent claims 1, 14 and 17, and all claims dependent therefrom, under 35 U.S.C. §102(b) are respectfully requested.

Section 103 Rejections

Claims 1-18 and 21-25 are rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over either Fujiki or Iwahara in further view of EP 0 106 330 A1 to Toshifumi et al. (hereinafter "Toshifumi"). Applicant respectfully traverses.

Toshifumi is cited by the examiner for its alleged teaching regarding polyethylene and polypropylene substrates. Toshifumi, however, fails to cure the deficiencies of Fujiki and/or Iwahara. To be of any use to the examiner Fujiki and/or Iwahara would have to be modified to include the trialkylsilyl capped plasticizer of the present invention.

Fujiki and Iwahara, however, teach away from any such attempted modification. For example, Fujiki specifically teaches that compositions with less than 10% of its Component B are unacceptable as an adhesive composition, as follows:

Component B ... is sued in a proportion of from 10 to 90 % by weight....If this Component B is used less than the aforesaid range, ... contamination of the cured-product surface and deterioration of the physical properties of the cured product [would result]. (Fujiki, page 15, 1st full paragraph).

Further, Iwahara specifically teaches that insufficient hydroxyl or hydrolysable groups in its Component B are unacceptable as an adhesive composition, as follows:

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As for the number of hydroxyl groups or hydrolysable groups on the silicon atoms in the silicon compound (B)...If there are too few groups, the ... crosslinking density is low. This results in a deterioration in retention strength and adhesive properties. (Iwahara, page 23, 3rd full paragraph).

Thus, Fujiki and Iwahara clearly teach away from the present invention, and any attempt to so modify their teachings would not result in a *prima facie* case of obviousness.

Therefore, Fujiki, Iwahara and Toshifumi, individually or in combination, fail to teach or suggest the present invention as presently defined by independent claims anticipate independent claims 1, 14, 16, 18 and 24. Thus, reconsideration and withdrawal of the rejections of independent claims 1, 14, 16, 18 and 24, and all claims dependent therefrom, under 35 U.S.C. §103(a) are respectfully requested.

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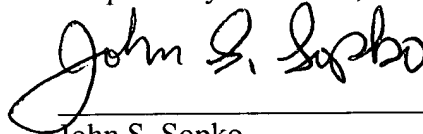
Summary

Therefore, Applicant respectfully submits that independent claims 1, 14, 16, 18 and 24, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact Steven C Bauman (Registration No.: 33,832) by telephone at (860) 571-5001 or by facsimile at (860) 571-5028, or the undersigned attorney at the number given below. All correspondence should be continued to be directed to the following address:

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